

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

DAVID COITO,

Plaintiff,

No. 6:12-cv-0795-CL

v.

ORDER

CAROLYN W. COLVIN,
Acting Commissioner of Social
Security

Defendant.

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Defendant filed objections and I have reviewed the file of this case *de novo*. 28

U.S.C. § 636(b)(1)(c); McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981).

The introduction to the Report and Recommendation incorrectly states that the Commissioner denied Plaintiff's application for Supplemental Security Income (SSI) under Title XVI of the Social Security Act, 42 U.S.C. §§ 1381-1383(f). Plaintiff's application and the Commissioner's final decision involved only Plaintiff's application for disability insurance benefits (DIB) under Title II of the Act, §§ 401-433. As no application was made for SSI, no final decision is before the court. I decline adopt the Report and Recommendation as to SSI benefits.

As to the issue of DIB, I find no error. Magistrate Judge Clarke's Report and Recommendation is ADOPTED as to Plaintiff's application for disability insurance benefits.

IT IS SO ORDERED.

DATED this 13 day of September, 2013.

A handwritten signature in black ink, reading "Owen M. Panner". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

OWEN M. PANNER
U.S. DISTRICT JUDGE